

07-11-05

1FW



Express Mail No.: EV452775753US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: FERNANDEZ

Confirmation No.: 3533

Serial No.: 10/763,689

Art Unit:

Filed: January 26, 2004

Examiner:

For: VARIABLE ANGLE LOCKED BONE  
FIXATION SYSTEM

Attorney Docket No.: 8932-1090-999

**SUBMISSION OF REVOCATION AND POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**

Mail Stop Post Issue  
P.O. Box 1450  
Commissioner for Patents  
Alexandria, Virginia 22313-1450

Sir:

Enclosed herewith is a Revocation and Power of Attorney executed by an authorized officer of the Assignee, Synthes (USA). Please have the executed Power of Attorney placed in the file of the above-identified application and forward all future correspondence concerning this application to Jones Day, located at 222 East 41<sup>st</sup> Street, New York, N.Y. 10017, customer number 20583.

No fee is believed to be due for this submission. If any fees are due, please charge such fees to Jones Day deposit account no. 50-3013.

Respectfully submitted,

*Thomas P. Scully*

Date July 7, 2005

For Thomas P. Scully Reg. No. 45,086  
Brian M. Rothery Reg. No. 35,340  
**JONES DAY**  
222 East 41st Street  
New York, NY 10017  
(212) 326-3939

Enclosures



POWER OF ATTORNEY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: FERNANDEZ Confirmation No.: 3533  
Serial No.: 10/763,689 Art Unit:  
Filed: January 26, 2004 Examiner:  
For: VARIABLE ANGLE LOCKED BONE Attorney Docket No.: 8932-1090-999  
FIXATION SYSTEM

**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71  
WITH STATEMENT UNDER 37 C.F.R. 3.73(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints Practitioners at Customer Number 20583 all of Jones Day, whose address is 222 East 41st Street, New York, New York 10017, as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71.

Please direct all correspondence for this application to Customer no. 20583.

**Statement Under 37 C.F.R. 3.73(b)**

SYNTHES (U.S.A.) states that it is:

- ☒ the assignee of the entire right, title, and interest; or  
☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is %

in the patent application/patent identified above by virtue of either:

- ☒ An assignment from the inventor(s) of the patent application/patent identified above.  
The assignment was recorded in the United States Patent and Trademark Office on  
at Reel , Frame , or for which a copy thereof is attached.

OR

- ☐ A chain of title from the inventor(s), of the patent application/patent identified above,  
to the current assignee as shown below:

1. From: To:  
The document was recorded in the United States Patent and Trademark Office on  
at Reel , Frame , or for which a copy thereof is attached.

2. From: To:  
The document was recorded in the United States Patent and Trademark Office on  
at Reel , Frame , or for which a copy thereof is attached.

3. From:                      To:  
The document was recorded in the United States Patent and Trademark Office on  
at Reel                      , Frame                      , or for which a copy thereof is attached.

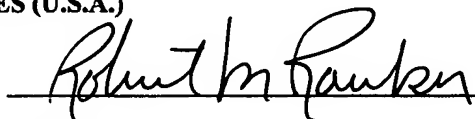
- ☐ Additional documents in the chain of title are listed on a supplemental sheet.
- ☒ Copies of assignments or other documents in the chain of title are attached.  
[Note: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

**ASSIGNEE: SYNTHES (U.S.A.)**

Date: \_\_\_\_\_

Signature: \_\_\_\_\_



Typed Name: \_\_\_\_\_

Robert M. Rauker

Position/Title: \_\_\_\_\_

Chief Patent Counsel

SOLE

ASSIGNMENT

WHEREAS, I, ALBERTO FERNANDEZ, ASSIGNOR, citizen of Uruguay, residing at Deauville, 1781 Montevideo, Uruguay, am the inventor of the invention in VARIABLE ANGLE LOCKED BONE FIXATION SYSTEM for which I have executed an application for a Patent of the United States

- ☐ which is executed on ☐ even date herewith or ☐  
☒ which is identified by Jones Day docket no. 8932-1090-999  
☒ which was filed on January 26, 2004, Application No. 10/763,689  
☐ I hereby authorize and request my attorney(s), , at Jones Day, , to insert here in parentheses (Application number, \_\_\_\_\_ filed \_\_\_\_\_) the filing date and application number of said application when known.

and WHEREAS, SYNTHES (U.S.A.), ASSIGNEE is desirous of obtaining my entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the said ASSIGNOR, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, my entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND I HEREBY authorize and request the Commissioner for Patents and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant and agree that I have full right to convey the entire interest herein assigned, and that I have not executed, and will not execute, any agreement in conflict herewith.

AND I HEREBY further covenant and agree that I will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to me respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 30 day of MAY, 2005

\_\_\_\_\_  
L.S.

State of )  
                  ) SS.:  
County of )

On 30/05/, 2005, before me, Siwia Soutullo, Notary Public, personally appeared Alberto Fernandez, personally known to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal

S. Soutullo Caraballo

S. SOUTULLO CARABALLO  
ESCRIBANA